HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 19th June, 2006
Bail Application No. 517 of 2006
Order on the bail application of accused.

CRIMINAL SIDE

Mohasin S/o Matloob @ Bhura
R/o village Pardli Gujjar
P.S. Gangnaher Roorkee
District Haridwar ….. Applicant

Versus

State of Uttaranchal ….. Opposite Party

In Case Crime No. 225 of 2005
U/s 147, 148, 149, 323, 452, 504, 405, 302 I.P.C.
Police Station – Gangnaher Roorkee
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Rajendra Singh-learned counsel for the applicant and learned AGA for the State.

Perused the record.

It was contended that in the FIR an exe has been shown in the hand of the present applicant and no specific role has been assigned in the FIR. The statement of witnesses Naushad, Idris, Hasrat, Sarafat was recorded in which they had stated that the injury was caused on the deceased from the blunt side of the axe. It was contended that the Panchayatnama itself reveals that there was no injury which can be caused by the axe. It was further contended that the postmortem report which was conducted twice does not disclose any axe injury.

Learned A.G.A. disputed the postmortem report which is said to be the document of the prosecution. It was further contended that the document which has been produced in support of the prosecution and the statement(s) varies in respect of the injury. On this ground also the accused is entitled to be released on bail. The learned A.G.A. further contended that the Panchayatnama supports the prosecution version. It was contended on behalf of the applicant that the Panchayatnama itself reveals that there was only incised wound near the neck. It was further contended that there was no injury with blunt side axe on the person of the deceased.

Considering the facts and circumstance of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicant be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

Dated 19.06.2006 **(J.C.S. Rawat, J.)**
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